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*Attorneys for Plaintiff and Counter-defendant Epic Games, Inc.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

EPIC GAMES, INC.,

**Plaintiff, Counter-defendant,  
v.**

APPLE INC..

## Defendant, Counterclaimant,

Case No. 4:20-cv-05640-YGR-TSH

**DECLARATION OF M. BRENT  
BYARS IN SUPPORT OF EPIC  
GAMES, INC.'S  
ADMINISTRATIVE MOTION TO  
SEAL PORTIONS OF ITS FOUR-  
HOUR DEPOSITION  
DESIGNATIONS**

Judge: Hon. Yvonne Gonzalez Rogers

DECLARATION OF M. BRENT BYARS IN SUPPORT OF EPIC'S ADMINISTRATIVE MOTION TO SEAL PORTIONS OF ITS FOUR-HOUR DEPOSITION DESIGNATIONS

Case No.: 4:20-cv-05640-YGR-TSH

1 I, M. Brent Byars, declare as follows:

2       1. I am a Senior Attorney at Cravath, Swaine & Moore LLP, counsel to Epic  
 3 Games, Inc. ("Epic") in the above-captioned actions. I am admitted to appear before this Court  
 4 *pro hac vice.*

5       2. I submit this declaration pursuant to Civil Local Rule 79-5. The contents of this  
 6 declaration are based on my personal knowledge.

7       3. Epic's Four-Hour Deposition Designations quote or reproduce discovery  
 8 materials that Apple or third parties have designated as CONFIDENTIAL or HIGHLY  
 9 CONFIDENTIAL pursuant to the Protective Order entered in this Court. Epic is serving its  
 10 Motion and Declaration on the affected third parties pursuant to Civil Local Rule 79-5(e). The  
 11 following Table shows each affected third party and the corresponding deposition designation  
 12 that may contain information provided by each party.

<b>Deposition Designation</b>	<b>Affected Party</b>
Cue 109:4 - 110:16	Apple
Cue 190:4 - 192:16	Apple
Ong 9:10 - 9:12	Match
Ong 9:15 - 9:18	Match
Ong 9:22 - 10:12	Match
Ong 12:09 - 13:25	Match
Ong 17:03 - 17:15	Match
Ong 17:22 - 18:25	Match
Ong 20:15 - 20:22	Match
Ong 21:23 - 21:25	Match
Ong 22:10 - 23:05	Match
Ong 23:09 - 23:17	Match

1	Ong	24:17 - 25:05	Match
2	Ong	25:14 - 26:05	Match
3	Ong	28:09 - 28:22	Match
4	Ong	28:24 - 30:25	Match
5	Ong	31:22 - 31:24	Match
6	Ong	32:01 - 32:07	Match
7	Ong	32:10 - 32:22	Match
8	Ong	33:08 - 33:16	Match
9	Ong	33:18 - 34:07	Match
10	Ong	34:14 - 37:07	Match
11	Ong	37:25 - 38:11	Match
12	Ong	38:13 - 39:02	Match
13	Ong	39:16 - 39:24	Match
14	Ong	41:12 - 42:09	Match
15	Ong	43:04 - 44:19	Match
16	Ong	45:01 - 46:10	Match
17	Ong	46:13 - 46:15	Match
18	Ong	46:17 - 47:07	Match
19	Ong	47:15 - 48:01	Match
20	Ong	48:04 - 48:10	Match
21	Ong	48:14 - 48:19	Match
22	Ong	48:21 - 51:06	Match
23	Ong	56:03 - 56:04	Match
24	Ong	56:06 - 57:01	Match

1	Ong	57:20 - 57:22	Match
2	Ong	58:08 - 58:10	Match
3	Ong	58:20 - 59:16	Match
4	Ong	59:18 - 60:18	Match
5	Ong	60:20 - 60:23	Match
6	Ong	60:25 - 61:04	Match
7	Ong	61:06 - 61:18	Match
8	Ong	62:03 - 62:05	Match
9	Ong	62:07 - 62:16	Match
10	Ong	62:18 - 63:03	Match
11	Ong	63:05 - 64:16	Match
12	Ong	65:01 - 65:17	Match
13	Ong	65:19 - 65:25	Match
14	Ong	66:01 - 66:04	Match
15	Ong	66:12 - 66:24	Match
16	Ong	67:23 - 68:05	Match
17	Ong	69:17 - 69:21	Match
18	Ong	69:23 - 70:09	Match
19	Ong	70:11 - 70:15	Match
20	Ong	72:07 - 72:10	Match
21	Ong	74:08 - 74:10	Match
22	Ong	74:12 - 74:12	Match
23	Ong	84:01 - 84:03	Match
24	Ong	84:05 - 84:06	Match

1	Ong	84:22 - 85:03	Match
2	Ong	85:05 - 85:07	Match
3	Ong	120:12 - 120:13	Match
4	Ong	120:16 - 120:21	Match
5	Ong	120:24 - 120:25	Match
6	Ong	121:02 - 121:04	Match
7	Ong	152:04 - 152:23	Match
8	Ong	158:04 - 159:14	Match
9	Ong	162:03 - 162:22	Match
10	Ong	167:01 - 167:04	Match
11	Ong	167:06 - 167:20	Match
12	Ong	169:24 - 170:08	Match
13	Ong	170:10 - 170:19	Match
14	Ong	171:14 - 172:16	Match
15	Ong	172:18 - 173:06	Match
16	Ong	182:20 - 183:25	Match

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20       4. Epic will provide prompt notice to any third parties who may have  
21 confidentiality interests in information provisionally sealed in its Four-Hour Deposition  
22 Designations so that those third parties may determine whether to request sealing of such  
23 information by the Court.  
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1 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is  
2 true and correct and that I executed this declaration on April 27, 2021 in Oakland, California.  
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5 /s/ M. Brent Byars

6 M. Brent Byars  
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